

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12869 as amended, of Union Wesley AME Zion Church, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3101.42 to use the basement, first and second floors of the subject premises as a middle school consisting of thirty students and five teachers in addition to the premises now being used as a Church and Sunday School seating 800 persons on all floors and pursuant to Paragraph 8207.11 for a variance from the off-street parking requirements (Sub-section 7202.1) in an R-1-B District at the premises 1860 Michigan Avenue, N.E., (Square 4176, Lot 28).

HEARING DATE: April 11, 1979
DECISION DATE: April 11, 1979

FINDINGS OF FACT:

1. At the public hearing, the Board allowed the applicant to amend the application to read "middle" school instead of high school as advertised and to include a variance from the off-street parking requirements of the Zoning Regulations.

2. The subject property is located on the west side of Michigan Avenue, between Gallatin Street and Queens Chapel Terrace, one block from the District line, known as 1860 Michigan Avenue, N.E. The site is developed with a large red brick church building, known as the Union Wesley AME Zion Church.

3. To the north of the subject property is a park area followed by the District line, beyond which is Prince George's County, Maryland; to the east, across Michigan Avenue, there is a shopping center containing a Jumbo Super Market, Dart Drug and Safeway in the C-1 District. To the west and south, there are single family detached dwellings in the R-1-B District.

4. The Wade School is a nonprofit organization. It proposes to operate middle school classes as a tenant at the subject church facility. The school shall consist of a maximum of thirty (30) students and five teachers. Grades four thru nine will be taught at the school from 9:00 am to 3:00 pm, Monday thru Friday.

5. The school's program is geared at helping children who require individual attention and instruction. The students are referred by teachers of the public schools.

6. A Certificate of Occupancy number B-80129 issued March 7, 1978 for church and Sunday School seating 800 persons (all floors), was mistaken by the applicant to be the appropriate permission for the operation of the school. The school is currently in operation at the site.

7. The applicant testified that over the five year period of operation, there was only one complaint received. It concerned debris which has been removed. There were no noise complaints.

8. The applicant also testified that neighborhood discussions were held to clarify the issue of the "high school" as advertised with the true purpose, "middle school". When the issue was clarified, there was no further opposition.

9. According to the school principal approximately ninety-five percent of the students come from the District, with the other students coming from nearby Maryland. Fifty percent of the children reside in north-east Washington.

10. The school will use the basement, first and second floor of the church for class space.

11. The church facility is separated from the nearest residential dwellings by a sixteen foot wide public alley to the west and Queens Chapel Terrace to the southwest.

12. There are presently four parking spaces on the site. They are paved with concrete but do not meet the size requirements of the regulations.

13. Six parking spaces are required by the Zoning Regulations.

14. The applicant testified that only two of the parking spaces are actually used by the teachers and that because of the ages of the children, no additional parking was required for them.

15. The Office of Planning and Development, by memorandum dated February 16, 1979, recommended that the application for a special exception be approved on the grounds that it would not generate objectionable noise or traffic because of the number of students. The Board so finds.

16. Advisory Neighborhood Commission 5A made no recommendation on this application.

17. There was no opposition to the application either at the public hearing or in the file.

CONCLUSIONS OF LAW:

Based on the findings of fact the Board concludes that the applicant is seeking a special exception and an area variance.

The Board concludes that the applicant has met the requirements for a special exception, under Paragraph 3101.42, in that the school is so located that it will not generate objectionable noise or traffic because of the number of students and the proposed use will be in harmony with the general purpose and intent of the Zoning Regulations and map and will not tend to affect adversely the use of neighboring properties.


The Board also concludes that the applicant has met the requirements for an area variance, the granting of which requires a showing of a practical difficulty in the property itself. The Board notes that the subject property can only provide four parking spaces, short of the requirement by two spaces and not in full compliance with other requirements. The practical difficulty is in the size of the property itself.

The Board further concludes that the variance can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan. Accordingly, it is ORDERED that the application be GRANTED, subject to the following CONDITIONS:

1. Approval is limited to a middle school operated by the Union Wesley AME Zion Church only.
2. Enrollment shall be limited to thirty students and five full-time teachers.
3. The grades shall be from fourth to ninth with hours of operation from 9:00 a.m. to 3:00 p.m., Monday to Friday.

VOTE: 3-0 (Charles R. Norris, Chloethiel Woodard Smith and William F. McIntosh to grant; Theodore F. Mariani and Leonard L. McCants not present, not voting)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: 
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 12 JUN 1979

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.